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# HOUSE BILL No. 1648

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-4-3-4.

**Synopsis:** Annexation of noncontiguous land. Allows a municipality in Elkhart County to annex territory that: (1) is not contiguous to the municipality; (2) has its entire area not more than two miles from the municipality's boundary; (3) is to be used for an industrial park containing one or more businesses; and (4) is either owned by the municipality or by a property owner who consents to the annexation.

**Effective:** July 1, 2005.

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## Walorski

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January 19, 2005, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1648

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-4-3-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The legislative body of a  
3 municipality may, by ordinance, annex any of the following:  
4 (1) Territory that is contiguous to the municipality.  
5 (2) Territory that is not contiguous to the municipality and is  
6 occupied by a municipally owned or operated airport or landing  
7 field.  
8 (3) Territory that is not contiguous to the municipality but is  
9 found by the legislative body to be occupied by a municipally  
10 owned or regulated sanitary landfill, golf course, or hospital.  
11 However, if territory annexed under this subsection ceases to be  
12 used as a municipally owned or regulated sanitary landfill, golf  
13 course, or hospital for at least one (1) year, the territory reverts to  
14 the jurisdiction of the unit having jurisdiction before the  
15 annexation if the unit that had jurisdiction over the territory still  
16 exists. If the unit no longer exists, the territory reverts to the  
17 jurisdiction of the unit that would currently have jurisdiction over



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the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);
- (2) more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);
- (3) more than seventy thousand (70,000) but less than seventy-one thousand (71,000);
- (4) more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);
- (5) more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);
- (6) more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);
- (7) more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);
- (8) more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000); or
- (9) more than ~~two hundred thousand (200,000)~~ **one hundred eighty-two thousand seven hundred ninety (182,790)** but less than three hundred thousand (300,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a

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disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to

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1 the annexation.

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